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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,775	10/26/1999	JERRY D. KIDD	TUEC.IP2005	3747

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EXAMINER

PADGETT, MARIANNE L

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/427,775

Applicant(s)

KIDD ET AL.

Examiner

Marianne L. Padgett

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 4/12/05 & 10/11/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) 104, 106-109, 115, 116 and 134-150 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-17, 24-25, 27-50, 52-62, 67-68, 70-82, 85-88, 90-103, 105, 111-114, 117-129 & 151 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/11/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Continuation of Disposition of Claims: Claims pending in the application are 1-5,7-17,24,25,27-50,52-62,67,68,70-82,85-88,90-109,111-129,132 and 134-151.

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1. Claim 151 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In lines 2-3 of new claim 151, it is unclear as written with respect to what the 2 named surfaces are "inward" and outward". Upon review of the cited support on p. 16-17 & Fig.2, it appears that they are intended to be positioned with respect to the center & edge of the turntable, respectively, but the claims do not require this, hence consequentially ambiguously include options, such as the interior & exterior of a hollow object, which is not supported by the cited disclosure.

Claim 151 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As discussed above claim 151 appears to encompass options not enabled by the original disclosure, thus encompassing New Matter as well as that supported by the citation.

2. The examiner agrees that the references applied to the previous claims lack the new features as present in new claim 151. For example, while figure 1 of White (386) uses 2 filaments for evaporants, they are both directed at the same face or orientation of the substrate & holder surface, so are only for treating fairly planar orientations. Figure 41 of White (386) & figure 5 of White (309), employ filament(s) to coat the interior of a threaded cylinder, but this arrangement has neither the orientation relationship of the 2 filament sets, nor compatibility with a turntable, so the particular claimed plasma plating process with the new configuration of claim 151 appears to be distinguished over the cited prior art. An update of the search was preformed, plus search for filament configurations, but the computer system was having an image retrieval problem in the search program, so review of these references is incomplete.

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Pending completion of updated search without finding relevant prior art, it appears that Claim 151 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1<sup>st</sup> & 2nd paragraph, set forth in this Office action.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-5, 7, 8, 15-17, 24, 25, 27-28, 32-50, 52-57, 59-62, 67-68, 70-81, 85-88, 90-95, 98-103, 105, 111-114, 118-129 and 132 are rejected under 35 U.S.C. 103(a) as being unpatentable over White (4,420,386 or 4,468,309), as applied in sections 4 of Paper No. 13 (mailed 5/22/02) and section 8 of Paper No. 21 (mailed 10/10/03), in view of Sakamoto et al (4,725,345) or Yaginuma et al (6,117,280) or Nimmagadda (4,540,596), as discussed in section 2 of the action mailed 10/12/04.

5. Claims 29-31 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over White (386 or 309), in view of Sakamoto et al or Yaginuma et al or Nimmagadda as applied to claims 1-5, 7, 8, 15-17, 24-25, 27-28, 32-50, 52-57, 59-62, 67-68, 70-81, 85-88, 90-95, 98-103, 105, 111-114, 118-129 and 132 above, and further in view of Grossman et al (5,078,847), as discussed in Section 5 of Paper No. 13 (mailed 5/22/02) and Section 9 of Paper No. 21 (mailed 11/10/03).

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6. Claims 8-14 and 117 are rejected under 35 U.S.C. 103(a) as being unpatentable over White (386 or 309), in view of Sakamoto et al or Yaginuma et al or Nimmagadda as applied to claims 1-5, 7, 8, 15-17, 24-25, 27-28, 32-50, 52-57, 59-62, 67-68, 70-81, 85-88, 90-95, 98-103, 105, 111-114, 118-129 and 132 above, and further in view of White (4,667,620) as applied in Section 6 of Paper No. 13 (5/22/02).

7. Claims 96, 97 and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over of White (386 or 309), in view of Sakamoto et al or Yaginuma et al or Nimmagadda as applied to claims 1-5, 7, 8, 15-17, 24-25, 27-28, 32-50, 52-57, 59-62, 67-68, 70-81, 85-88, 90-95, 98-103, 105, 111-114, 118-129 and 132 above, and further in view of Mattox (3,329,601) as applied in Section 8 of Paper No. 13.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over White (309), in view of in view of Sakamoto et al as applied to claims 1-5, 7, 8, 15-17, 24-25, 27-28, 32-50, 52-57, 59-62, 67-68, 70-81, 85-88, 90-95, 98-103, 105, 111-114, 118-129 and 132 above, and further in view of Section 10 of Paper No. 13 and as discussed above.

9. Applicant's arguments filed 4/12/05 and discussed above have been fully considered but they are not persuasive. With respect to all pending elected claims, except new claim 151, no new arguments were made, and the previous arguments were answered in the previous action as indicated above.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action

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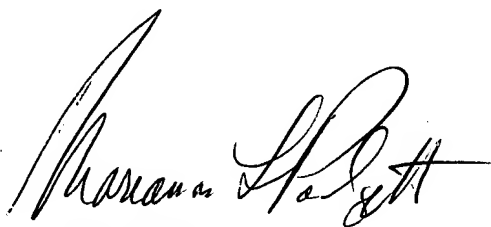
is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne L. Padgett whose telephone number is (571) 272-1425. The examiner can normally be reached on M-F from about 8:30 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks, can be reached at (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLP 7/22/05

A handwritten signature in black ink, appearing to read "Marianne Padgett", is written over a horizontal line.

**MARIANNE PADGETT  
PRIMARY EXAMINER**